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Decision 6/23/01

FOR THE ARIZONA CORPORATION COMMISSION

DOCKETED

MAR 30 2001

2 WILLIAM A. MUNDELL
Chairman
3 JIM IRVIN
Commissioner
4 MARC SPITZER
Commissioner
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DOCKETED BY	<i>sd</i>
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6 IN THE MATTER OF THE APPLICATION)
OF QWEST CORPORATION F/K/A U S WEST)
7 COMMUNICATIONS, INC., FOR APPROVAL)
OF THE FIRST AMENDMENT TO THE)
8 INTERCONNECTION AGREEMENT WITH)
ELECTRIC LIGHTWAVE, INC.)
9

DOCKET NOS. T-01051B-01-0041
T-03054A-01-0041

DECISION NO. 63505

ORDER

10 Open Meeting
March 27 and 28, 2001
11 Phoenix, Arizona

12 BY THE COMMISSION:

13 FINDINGS OF FACT

14 1. On January 11, 2001, Qwest Corporation ("Qwest"), f/k/a U S WEST
15 Communications, Inc., filed an application for approval of the First Amendment to the
16 Interconnection Agreement between Qwest and Electric Lightwave, Inc. ("ELI"). The original
17 Interconnection Agreement was approved by the Commission on September 18, 2000, in Decision
18 No. 62902.

19 2. The Telecommunications Act of 1996 ("1996 Act"), directed incumbent local
20 exchange carriers to make their networks available for interconnection and resale by new entrants
21 to the local exchange market. The 1996 Act provides for interconnection and resale agreements to
22 be concluded by voluntary negotiation.

23 3. This First Amendment to the Interconnection Agreement between Qwest and ELI
24 was voluntarily negotiated, without resort to arbitration.

25 4. Under the terms of this First Amendment, terms, conditions and rates for Portability
26 Managed Cuts are added as set forth in this amendment.

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1 5. According to the 1996 Act, the Commission must approve voluntarily negotiated
2 interconnection and resale agreements, if their provisions are non-discriminatory and in the public
3 interest.

4 6. Staff has reviewed the First Amendment and finds it to be non-discriminatory and in
5 the public interest. Qwest is offering the same terms and conditions of the Agreement to all other
6 interested parties. The Agreement is in the public interest because it will act to further competition
7 in the local exchange market in Arizona.

8 7. Since there are no grounds for rejection of the First Amendment pursuant to Section
9 252(e)(2)(A), of the 1996 Act, Staff has recommended that the Commission approve the First
10 Amendment to the Interconnection Agreement between Qwest and ELI.

11 CONCLUSIONS OF LAW

12 1. Qwest is an Arizona public service corporation within the meaning of Article XV,
13 Section 2, of the Arizona Constitution.

14 2. The Commission has jurisdiction over ELI and over the subject matter of the
15 Application.

16 3. The Commission, having reviewed the Application and Staff's Memorandum has
17 determined that the First Amendment to the Interconnection Agreement negotiated between
18 Qwest and ELI meets the requirements of Section 252(e)(2)(A), of the 1996 Act, which governs
19 the approval of voluntarily-negotiated agreements and is in the public interest.

20 4. The Commission maintains jurisdiction over the subject matter of the Agreement and
21 Amendments thereof, to the extent permitted pursuant to the powers granted the Commission by
22 the Arizona Constitution, Statutes, Commission Rule, and the 1996 Act and the Rules
23 promulgated thereunder.

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ORDER

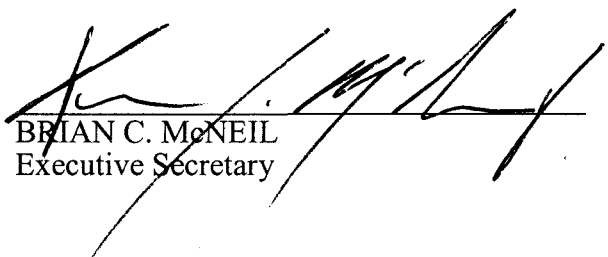
IT IS THEREFORE ORDERED that the Commission hereby approves the First Amendment to the Interconnection Agreement between Qwest and ELI filed on January 11, 2001.

IT IS FURTHER ORDERED that this Decision shall become effective immediately.

BY ORDER OF THE ARIZONA CORPORATION COMMISSION
CHAIRMAN
COMMISSIONER

COMMISSIONER

IN WITNESS WHEREOF, I, BRIAN C. McNEIL,
Executive Secretary of the Arizona Corporation
Commission, have hereunto, set my hand and caused the
official seal of this Commission to be affixed at the Capitol,
in the City of Phoenix, this 30th day of March,
2001.


BRIAN C. McNEIL
Executive Secretary

DISSENT: _____

DRS:EAA:jbc/MAS

1 SERVICE LIST FOR: Qwest Corporation and Electric Lightwave, Inc.

2 DOCKET NOS. T-01051B-01-0041 and T-03054A-01-0041

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